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In re Application of
Hellenthal et al.
Application No. 09/914,735
Filed: February 11, 2002
Attorney Docket No. HM-434PCT

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OFFICE OF PETITIONS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 10, 2005, to withdraw the holding of abandonment for the above-identified application. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience to petitioners.

This application was held abandoned for failure to respond timely to the Notice of Allowance and Fee(s) Due, mailed on October 3, 2003, which set a three-month statutory period for reply. In the apparent absence of a timely filed response, the application was held abandoned on January 4, 2004. A Notice of Abandonment was mailed on August 23, 2004.

In the petition, petitioners' attorney asserts that he never received the Notice of Allowance because it was mailed to the attorney's former address, even though he submitted a notification of change of address on June 7, 2002. Accordingly, petitioners request that the Office withdraw the holding of abandonment, mail the Notice of Allowance to the new correspondence address, and restart the period for reply.

A review of the record indicates that petitioners' attorney filed a change of correspondence address with the USPTO on June 13, 2002. Unfortunately, the USPTO did not enter the change of correspondence into the record. Consequently, the USPTO mailed the Notice of Allowance to an incorrect correspondence address.

In view of the above, the petition to withdraw the holding of abandonment is **granted**. The Notice of Abandonment was mailed in error and is hereby withdrawn.

As the petitioners' attorney did not receive the original Notice of Allowance mailed on October 3, 2003, **Technology Center Art Unit 3743 shall remail the Notice of Allowance and restart the period for response.**

The Office has entered the change of correspondence address and made it of record.

This matter is being forwarded to Technology Center Art Unit 3743 for further action consistent with this decision.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions